

#10

Petition
J. W. L. G.
4-403

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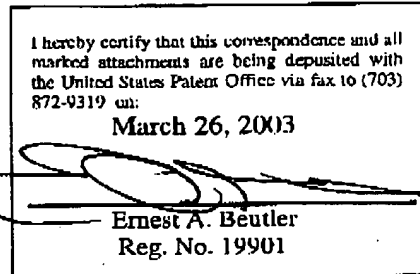
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Shiro, Adaeda
Tatsuya, Anma
Hidcaki, Takahashi

App. No.: 09/778338
Filed: February 7, 2001
Conf. No.: 1468
Title: MULTIPOLAR MAGNET TYPE
GENERATOR FOR INTERNAL
COMBUSTION ENGINES

Examiner: D. Le
Art Unit: 2834

Assistant Commissioner for
Patents Washington, D.C.



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MAR 26 2003

PETITION UNDER 37CFR1.181(a)(3)

TECHNOLOGY CENTER 2800

Dear Sir:

Applicants hereby petition the Commissioner to exercise his supervisory authority under 37CFR 1.181(a)(3) and direct the Examiner to either amend his Examiner's Answer, Mailed March 12, 2003 or to reopen prosecution in this case, which is under appeal.

For the first time, in his Answer, the Examiner cites considerable art, not of record, and makes allegations about prior knowledge, not previously made of record. This material appears beginning in the first full paragraph on page 11 of the Answer and continues to the paragraph ending at the top of page 13. The Examiner further refers on Page 12 to "attached copies". None of this new material has been furnished to applicants.

Furthermore it would now cast a doubt on the validity of any patent issuing on this case if this material were left in the record and ignored by the Board. This is without admitting that it is material. Applicants can not determine that, since no copies have been supplied.

It is unjust at the least to permit the Examiner to lie in the weeds, and then spring new art on the applicants, after they have diligently prosecuted the case believing that the Examiner has cited the most pertinent art during the prosecution.

Applicants have other issues with the Examiner's Answer, but these pale in relation to the gross action of the Examiner, apparently approved in the Appeal Conference.


It is not believed that a fee is due in connection with this petition.

App. No.: 09/77833
Filed: February 7, 2001

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Also it is requested that the time for applicants response be stayed until a proper Answer is filed or, more preferably, prosecution is reopened.

Respectfully submitted:



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